

# In the United States Court of Federal Claims

Case No. 01-411C  
(Filed: September 21, 2005)

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INDUSTRIAL DOOR CONTRACTORS, \*  
INC., \*

*Plaintiff,* \*

\*

v. \*

\*

THE UNITED STATES OF AMERICA, \*

*Defendant.* \*

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## ORDER

The Court held oral argument on cross-motions for summary judgment in this matter on September 20, 2005. Upon careful consideration of the papers and argument by counsel, the Court issued its ruling from the bench.

Plaintiff's claim relies upon the theory that Plaintiff and the Smithsonian Institute entered into an enforceable contract. However, we conclude that no such contract was formed. Based on the totality of the circumstances, the Court finds that there was no mutual intent to contract, because the alleged offer by the Government is ambiguous. The Government is, therefore, entitled to judgment as a matter of law.

**Accordingly, the Defendant's motion for summary judgment is hereby GRANTED, and Plaintiff's cross-motion for summary judgment is DENIED. The Clerk of Court is directed to dismiss the Plaintiff's Complaint and enter judgment in favor of Defendant.**

IT IS SO ORDERED.

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LAWRENCE M. BASKIR  
Judge

